REMARKS

Claims 18, 26, and 32 have been amended for clarity. No new matter has been added by this amendment.

Claims 1-34 and 52-55, currently pending in this application, stand restricted under 35 U.S.C. § 121 and § 372 into the following groups as identified by the Examiner:

> Groups 1-102, claim(s) 1-17 and 52-55, drawn to a combination product for the treatment of cancer comprising an antisense oligonucleotide complementary to a ribonucleotide reductase R2 subunit mRNA and an immunotherapeutic agent, wherein the antisense oligonucleotide is selected from SEQ ID NOs: 1 and 4-104. The Examiner alleged that each inventive group is directed to a specific SEQ ID NO.
>
> Groups 103-204, claim(s) 18-34, drawn to a method of treating cancer in a mammal comprising administering a combination product for the treatment of cancer comprising an antisense oligonucleotide complementary to a ribonucleotide reductase R2 subunit mRNA and an immunotherapeutic agent wherein the antisense oligonucleotide is selected from SEQ ID NOs: 1 and 4-104. The Examiner alleged that each inventive group is directed to a specific SEQ ID NO.

The Examiner indicated that, in accordance with 37 CFR 1.499, Applicants must elect a single invention to which the claims must be restricted. The Examiner has alleged that the inventions listed as Groups 1-204 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features. Specifically, the Examiner alleged that the inventions of Groups 1-204 are found to have no special technical feature that defines a

contribution over the prior art of Lee *et al.* (*Cancer Research*, 2003, 63:2802-2811) (hereinafter referred to as "Lee").

The Examiner alleged that the first claimed invention in the instant case is a combination product comprising an antisense oligonucleotide complementary to a ribonucleotide reductase R2 subunit mRNA and an immunotherapeutic agent, wherein the antisense oligonucleotide is selected from SEQ ID NO: 1. The Examiner further alleged that Lee teaches an antisense oligonucleotide complementary to a ribonucleotide reductase R2 subunit mRNA ("GTI-2040") for cancer treatment wherein the antisense oligonucleotide is identical in sequence to the instantly claimed SEQ ID NO:1. The Examiner further alleged that Lee teaches that SEQ ID NO:1 also functions in immune stimulation for its overall antitumor efficacy and suggest a combination product comprising SEQ ID NO:1 and other chemotherapeutic agents. The Examiner alleged that the inventions of Groups 1-204 do not have a single inventive concept and so lack unity of invention, and therefore the restriction requirement for examination purposes as indicated is proper.

Applicants respectfully traverse the Examiner's restriction for the following reasons.

Nowhere does Lee teach or suggest the use of an immunotherapeutic agent. Lee is concerned with evaluating the ability of a particular antisense oligonucleotide, GTI-2040, that targets ribonucleotide reductase, to act as an antitumor agent. The statement in Lee

that GTI-2040 was used with "current therapeutic regimens" and "combination chemotherapies" (see page 2810, left-hand column, final paragraph) does not anticipate or render obvious the subject matter of claim 1 because it does not teach or suggest the use of immunotherapeutic agents.

In contrast, the present application demonstrates the increased efficacy of antisense oligonucleotides against ribonucleotide reductase R2 in the treatment of cancer when used in combination with a specific type of anticancer agent: an immunotherapeutic agent (see Examples provided in the instant application). As described in the instant application at page 9, lines 1-6, an "immunotherapeutic agent" is a compound, composition or treatment that indirectly or directly enhances, stimulates or augments the body's immune response against cancer cells and/or that lessens the side effects of other anticancer therapies. Examples of common immunotherapeutic agents include cytokines, cancer vaccines, monoclonal antibodies, non-cytokine adjuvants and the like. Nowhere does Lee teach or suggest the use of these agents.

In summary, Applicants submit that Lee teaches the ability of GTI-2040 to prevent proliferation of cancer cells and decrease R2 mRNA expression. Lee does not teach nor suggest combining an antisense oligonucleotide that targets ribonucleotide reductase with an immunotherapeutic. Accordingly, Applicants submit that the subject matter of claims 18-34, currently on file, contributes a special technical feature over the teaching in Lee

and that restriction for the purposes of examination on the basis of Lee is, therefore, improper and groups 103-204 should be examined together

CONCLUSIONS

For the reasons set forth above, Applicants submit that the claimed inventions of Groups 103-204 and the method of treating cancer including the different SEQ ID NOs relate to a single inventive concept under PCT Rule 13.1 and share a special technical feature under PCT Rule 13.2. Accordingly, Applicants respectfully request reconsideration and withdrawal of the restriction requirement for Groups 103-204.

Submitted herewith is a Petition to extend the period for replying to the Restriction Requirement for two months, to and including March 4, 2009. If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: March 4, 2009

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